

REMARKS

Amendments to the claims

Claims 1-32 have been cancelled without prejudice. New claims 33-53 have been added, which describe the invention with improved clarity.

The language of claims 33 and 40 is supported by the application as filed, in particular Fig.4 (collecting + transmitting data), Fig. 5 (determining if part needs to be replaced), Figs. 6-7 (acquiring + transmitting part replacement information) and Fig. 8 (Notifying part replacement information to user) and the corresponding portion of the specification.

The language of claims 34, 35, 36, 37, 41, 42, 43, 44 is supported by the application as filed, in particular Fig.6 and the corresponding portion of the specification.

The language of claims 38 and 45 is supported by the application as filed, in particular Fig. 4 (detecting + transmitting vehicle position) and Fig. 5 (searching part supplier + acquiring part information) and the corresponding portion of the specification.

The language of claims 39 and 46 is supported by the application as filed, in particular Fig. 8 (selecting part + transmitting selection information to service center) and Fig. 9 (transmitting selection information from service center to part supplier) and the corresponding portion of the specification.

The language of claims 48 and 49 is supported by the application as filed, in particular Fig. 4, and the corresponding portion of the specification.

The language of claim 50 is supported by the application as filed, in particular Fig. 5 and the corresponding portion of the specification.

The language of claims 51 and 52 is supported by the application as filed, in particular Fig. 7 and the corresponding portion of the specification.

The language of claim 53 is supported by the application as filed, in particular Fig. 8 and the corresponding portion of the specification.

No new matter has been added.

Rejection under 35 U.S.C. 112

Claims 23-24 stand rejected under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Applicants respectfully submit that claims 23-24 have been cancelled and that the rejection is moot.

Rejection under 35 U.S.C. 102

Claims 1-4, 10-11 and 19-32 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,513,107 to Gormley. The Applicants respectfully disagree. However, in order to move the application to issue, the Applicants have cancelled claims 1-4, 10-11 and 19-32 without prejudice. In view of the above, the Applicants submit that the rejection is moot.

Rejection under 35 U.S.C. 103

Claims 5-9 and 12-18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Gormley in view of U.S. Pat. No. 6,647,720 to Himmelstein. The Applicants respectfully disagree. However, in order to move the application to issue, the Applicants have cancelled claims 5-9 and 12-18 without prejudice. In view of the above, the Applicants submit that the rejection is moot.

New claims

Claim 33

Gormley discloses (column 8, lines 25-36) a vehicle controller 102 able to record diagnostic and maintenance related parameters, that periodically communicates maintenance and diagnostic data to a service center for a vehicle 100 using an external communications subsystem 144 which contacts a service center for analysis of the

parameters at the service center. In Gormley, (column 8, lines 37-49), if the service center determines that a fault is imminent, the service center communicates an appropriate notice to the vehicle controller 102 of the vehicle 100. The vehicle controller 102 advises the operator of the vehicle 100 of the problem via the display 100 at the appropriate time. For non-urgent concerns, the operator of the vehicle may be contacted by the dealer with a detailed description at a time convenient to the vehicle operator.

The Applicants note that Gormley does not teach involving a dealer for urgent concerns. Gormley teaches involving a dealer for non-urgent concerns only (col. 8, lines 42-45). Further, the Applicants submit that under a fair reading, Gormley only teaches involving the dealer by giving the dealer enough information to contact the operator of the vehicle and tell about the necessary maintenance operation. In particular, the Applicants submit that the fact that Gormley involves a dealer for non-urgent concerns only implicitly shows that Gormley does not provide for acquiring information from the dealer, such as part replacement information.

In view of the above, the Applicant respectfully submit that Gormley does not disclose or suggest a parts management system as recited in claim 33, and in particular comprising *"an acquiring device that acquires part replacement information from parts suppliers related to replacement of at least one part required for replacement, in a case where it is determined by the determining device that at least one part required for replacement exists"* (in particular when the matter is urgent).

The Applicants further submit that the Examiner has failed to show that Himmelstein discloses a part management system comprising the above feature.

Accordingly, the Applicants respectfully submit that no combination of Gormley and Himmelstein would have led one of ordinary skill in the art to a parts management system as recited in claim 33, and in particular comprising *"an acquiring device that acquires part replacement information from parts suppliers related to replacement of at least one part required for replacement, in a case where it is determined by the determining device that at least one part required for replacement exists"*, and submit that claim 33 is patentable over Gormley in view of Himmelstein.

Claim 40

The above arguments can be used to show that no combination of Gormley and Himmelstein would have led one of ordinary skill in the art to a method as recited in claim 40, and in particular comprising "*acquiring, at the service center, part replacement information from parts suppliers related to replacement of at least one part required for replacement, in a case where it is determined that at least one part required for replacement exists by said determining*". Accordingly, the Applicants submit that claim 40 is patentable over Gormley in view of Himmelstein.

Claims 34-39 and 41-53

Claims 34-39 depend on claim 33 and claims 41-53 depend on claim 40. The Applicants submit that at least in view of their dependency on claims 33 or 40, claims 34-39 and 41-53 are patentable over Gormley in view of Himmelstein.

* * *

In view of the above, Applicants submit that the application is now in condition for allowance and respectfully urge the Examiner to pass this case to issue.

The Commissioner is authorized to charge any additional fees that may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136(a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

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(Date of Transmission)

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Respectfully submitted,


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Attachments